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Sixty-first session

Third Committee

Agenda item 67 (b)

Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Argentina, Armenia, Austria, Belgium, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Guatemala, Hungary, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, New Zealand, Nigeria, Norway, Panama, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland and Uruguay: draft resolution

Extrajudicial, summary or arbitrary executions

The General Assembly,

Recalling the Universal Declaration of Human Rights,[1] which guarantees the right to life, liberty and security of person, the relevant provisions of the International Covenant on Civil and Political Rights[2] and other relevant human rights conventions,

Having regard to the legal framework of the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions,

Welcoming the universal ratification of the Geneva Conventions of 1949,[3] which alongside human rights law provide an important framework of accountability in relation to extrajudicial, summary or arbitrary executions during armed conflict,

Mindful of all its resolutions on the subject of extrajudicial, summary or arbitrary executions and the resolutions of the Commission on Human Rights on the subject,

[1] Resolution 217 A (III).

[2] See resolution 2200 A (XXI), annex.

[3] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

06-60217 (E) 061106

Dismayed that impunity continues to be a major cause of the perpetuation of violations of human rights, including extrajudicial, summary or arbitrary executions,

Acknowledging that international human rights law and international humanitarian law are complementary and not mutually exclusive, and noting with deep concern the growing number of civilians and persons *hors de combat* killed in situations of armed conflict and internal strife,

Acknowledging also that extrajudicial, summary or arbitrary executions can amount to genocide, crimes against humanity or war crimes, as defined under the Rome Statute of the International Criminal Court,[4]

Recalling the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity, as agreed in the 2005 World Summit Outcome,[5]

Deploring the frequent occurrence of death in custody in all regions of the world, and affirming the obligation of States to investigate and respond to such deaths and to exercise due diligence in preventing abuse of persons deprived of their liberty,

Convinced of the need for effective action to prevent, combat and eliminate the abhorrent practice of extrajudicial, summary or arbitrary executions, which represent a flagrant violation of the right to life,

1. *Strongly condemns once again* all the extrajudicial, summary or arbitrary executions that continue to occur throughout the world;

2. *Demands* that all States ensure that the practice of extrajudicial, summary or arbitrary executions is brought to an end and that they take effective action to prevent, combat and eliminate the phenomenon in all its forms;

3. *Reiterates* the obligation of all States to conduct exhaustive and impartial investigations into all suspected cases of extrajudicial, summary or arbitrary executions, to identify and bring to justice those responsible, while ensuring the right of every person to a fair and public hearing by a competent, independent and impartial tribunal established by law, to grant adequate compensation within a reasonable time to the victims or their families, and to adopt all necessary measures, including legal and judicial measures, to put an end to impunity and to prevent the further occurrence of such executions, as stated in the Principles on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions;[6]

4. *Calls upon* all States in which the death penalty has not been abolished to comply with their obligations under relevant provisions of international human rights instruments, including in particular articles 6, 7 and 14 of the International Covenant on Civil and Political Rights[7] and articles 37 and 40 of the Convention on the Rights of the Child,[7] bearing in mind the safeguards and guarantees set out in Economic and Social Council resolutions 1984/50 and 1989/64;

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[4] *Official Records of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, Rome, 15 June-17 July 1998*, vol. I: *Final documents* (United Nations publication, Sales No. E.02.I.5), sect. A.

[5] See resolution 60/1, para. 138.

[6] Economic and Social Council resolution 1989/65, annex.

[7] United Nations, *Treaty Series*, vol. 1577, No. 27531.

5. *Urges* all States:

(a) To take all necessary and possible measures, in conformity with international human rights law and international humanitarian law, to prevent loss of life, in particular that of children, during public demonstrations, internal and communal violence, civil unrest, public emergencies or armed conflicts, and to ensure that the police, law enforcement agents, armed forces and other agents acting on behalf of or with the consent or acquiescence of the State, act with restraint and in conformity with international humanitarian law and international human rights law, including the principles of proportionality and necessity, and in this regard to ensure that police and law enforcement officials act in accordance with the Code of Conduct for Law Enforcement Officials[8] and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;[9]

(b) To ensure the effective protection of the right to life of all persons under their jurisdiction and to investigate promptly and thoroughly all killings, including those targeted at specific groups of persons, such as racially motivated violence leading to the death of the victim, killings of members of national, ethnic, religious or linguistic minorities, of refugees, internally displaced persons, migrants, street children or members of indigenous communities, killings of persons for reasons related to their activities as human rights defenders, lawyers, journalists or demonstrators, killings committed in the name of passion or in the name of honour, all killings committed for any discriminatory reason, including sexual orientation, as well as all other cases where a person's right to life has been violated, and to bring those responsible to justice before a competent, independent and impartial judiciary at the national or, where appropriate, international level, and to ensure that such killings, including those committed by security forces, police and law enforcement agents, paramilitary groups or private forces, are neither condoned nor sanctioned by State officials or personnel;

6. *Also urges* all States to ensure that persons deprived of their liberty are treated humanely and with full respect for their human rights and to ensure that their treatment, including judicial guarantees, and conditions conform to the Standard Minimum Rules for the Treatment of Prisoners[10] and, where applicable, to the Geneva Conventions of 12 August 1949[11] and the Additional Protocols thereto of 8 June 1977[11] in relation to all persons detained in armed conflict, as well as to other pertinent international instruments;

7. *Acknowledges* the International Criminal Court as an important contribution to ending impunity concerning extrajudicial, summary or arbitrary executions and the fact that one hundred and two States have already ratified or acceded to and a further thirty-seven have signed the Rome Statute of the Court,[4] and calls upon all those States that have not ratified or acceded to the Rome Statute to consider doing so;

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[8] Resolution 34/169, annex.

[9] See *Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat* (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. B.

[10] See *Human Rights: A Compilation of International Instruments* (United Nations publication, Sales No. E.88.XIV.1).

[11] United Nations, *Treaty Series*, vol. 1125, Nos. 17512 and 17513.

8. *Encourages* Governments and intergovernmental and non-governmental organizations to organize training programmes and to support projects with a view to training or educating military forces, law enforcement officers and government officials in human rights and humanitarian law issues connected with their work and to include a gender and child rights perspective in such training, and appeals to the international community and requests the Office of the United Nations High Commissioner for Human Rights to support endeavours to that end;

9. *Welcomes* the interim report of the Special Rapporteur to the General Assembly;[12]

10. *Commends* the important role that the Special Rapporteur plays towards the elimination of extrajudicial, summary or arbitrary executions, and encourages the Special Rapporteur to continue, within his mandate, to collect information from all concerned, to respond effectively to reliable information that comes before him, to follow up on communications and country visits and to seek the views and comments of Governments and to reflect them, as appropriate, in his reports;

11. *Acknowledges* the important role of the Special Rapporteur as an early warning mechanism by identifying cases where extrajudicial, summary and arbitrary executions could amount to genocide and crimes against humanity or war crimes, and urges him to continue to draw the attention of the United Nations High Commissioner for Human Rights and, as appropriate, the Special Adviser to the Secretary-General on the Prevention of Genocide, to situations of extrajudicial, summary or arbitrary executions that are of particularly serious concern or in which early action might prevent further deterioration;

12. *Welcomes* the cooperation established between the Special Rapporteur and other United Nations mechanisms and procedures in the field of human rights, and encourages the Special Rapporteur to continue efforts in that regard;

13. *Strongly urges* all States to cooperate with the Special Rapporteur so that his mandate can be carried out effectively, including by issuing standing invitations, by honouring such invitations in practice through favourable and rapid responses to requests for visits, for which standard terms of reference apply, and by responding in a timely manner to communications and other requests transmitted to them by the Special Rapporteur;

14. *Expresses its appreciation* to those States that have received the Special Rapporteur, and asks them to examine carefully the recommendations made by the Special Rapporteur, invites them to report to him on the actions taken on those recommendations, and requests other States to cooperate in a similar way;

15. *Expresses its deep concern* that a number of States mentioned in the report of the Special Rapporteur, including several members of the Human Rights Council, have not responded to calls for invitations, and reminds all States that the on-site country visits are an indispensable component of the mandate of the Special Rapporteur;

16. *Again requests* the Secretary-General to continue to use his best endeavours in cases where the minimum standards of legal safeguards provided for

[12] See A/61/311.

in articles 6, 9, 14 and 15 of the International Covenant on Civil and Political Rights appear not to have been respected;

17. *Requests* the Secretary-General to provide the Special Rapporteur with adequate human, financial and material resources to enable him to carry out his mandate effectively, including through country visits;

18. *Also requests* the Secretary-General to continue, in close collaboration with the High Commissioner, in conformity with the mandate of the High Commissioner established by the General Assembly in its resolution 48/141 of 20 December 1993, to ensure that personnel specialized in human rights and humanitarian law issues form part of United Nations missions, where appropriate, in order to deal with serious violations of human rights, such as extrajudicial, summary or arbitrary executions;

19. *Requests* the Special Rapporteur to submit an interim report to the General Assembly at its sixty-second session on the situation worldwide in regard to extrajudicial, summary or arbitrary executions and his recommendations for more effective action to combat this phenomenon.

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Sixty-first session
Third Committee
Agenda item 66
Right of peoples to self-determination

Algeria, Armenia, Azerbaijan, Bangladesh, Burkina Faso, China, Egypt, Eritrea, Guinea, Iran (Islamic Republic of), Jordan, Lebanon, Libyan Arab Jamahiriya, Malaysia, Pakistan, Saudi Arabia, Singapore, Somalia and Thailand: draft resolution

Universal realization of the right of peoples to self-determination

The General Assembly,

Reaffirming the importance, for the effective guarantee and observance of human rights, of the universal realization of the right of peoples to self-determination enshrined in the Charter of the United Nations and embodied in the International Covenants on Human Rights,[1] as well as in the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960,

Welcoming the progressive exercise of the right to self-determination by peoples under colonial, foreign or alien occupation and their emergence into sovereign statehood and independence,

Deeply concerned at the continuation of acts or threats of foreign military intervention and occupation that are threatening to suppress, or have already suppressed, the right to self-determination of peoples and nations,

Expressing grave concern that, as a consequence of the persistence of such actions, millions of people have been and are being uprooted from their homes as refugees and displaced persons, and emphasizing the urgent need for concerted international action to alleviate their condition,

Recalling the relevant resolutions regarding the violation of the right of peoples to self-determination and other human rights as a result of foreign military

[1] Resolution 2200 A (XXI), annex.

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intervention, aggression and occupation, adopted by the Commission on Human Rights at its sixty-first[2] and previous sessions,

Reaffirming its previous resolutions on the universal realization of the right of peoples to self-determination, including resolution 60/145 of 16 December 2005,

Reaffirming also its resolution 55/2 of 8 September 2000, containing the United Nations Millennium Declaration, and recalling its resolution 60/1 of 16 September 2005, containing the 2005 World Summit Outcome, which, inter alia, uphold the right to self-determination of peoples under colonial domination and foreign occupation,

Taking note of the report of the Secretary-General,[3]

1. *Reaffirms* that the universal realization of the right of all peoples, including those under colonial, foreign and alien domination, to self-determination is a fundamental condition for the effective guarantee and observance of human rights and for the preservation and promotion of such rights;

2. *Declares its firm opposition* to acts of foreign military intervention, aggression and occupation, since these have resulted in the suppression of the right of peoples to self-determination and other human rights in certain parts of the world;

3. *Calls upon* those States responsible to cease immediately their military intervention in and occupation of foreign countries and territories and all acts of repression, discrimination, exploitation and maltreatment, in particular the brutal and inhuman methods reportedly employed for the execution of those acts against the peoples concerned;

4. *Deplores* the plight of millions of refugees and displaced persons who have been uprooted as a result of the aforementioned acts, and reaffirms their right to return to their homes voluntarily in safety and honour;

5. *Requests* the Human Rights Council to continue to give special attention to the violation of human rights, especially the right to self-determination, resulting from foreign military intervention, aggression or occupation;

6. *Requests* the Secretary-General to report on this question to the General Assembly at its sixty-second session under the item entitled "Right of peoples to self-determination".

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[2] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* and corrigendum (E/2005/23 and Corr.1), chap. II, sect. A.

[3] A/61/555.

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Sixty-first session
Third Committee
Agenda item 41
Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions

Costa Rica and Estonia: draft resolution

Enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees

The General Assembly,

Taking note of Economic and Social Council decision 2006/237 of 26 July 2006 concerning the enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees,

Taking note also of the requests regarding the enlargement of the Executive Committee contained in the letter dated 8 March 2006 from the Deputy Permanent Representative of Costa Rica to the United Nations addressed to the Secretary-General[1] and the letter dated 30 May 2006 from the Permanent Representative of Estonia to the United Nations addressed to the Secretary-General,[2]

1. *Decides* to increase the number of members of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees from seventy to seventy-two States;

2. *Requests* the Economic and Social Council to elect the additional members at its resumed organizational session for 2007.

[1] E/2006/3.
[2] E/2006/82.

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Sixty-first session
Third Committee
Agenda item 65 (a)
Elimination of racism and racial discrimination: elimination of racism and racial discrimination

Belarus, Cuba, Kazakhstan, Kyrgyzstan, Russian Federation, South Africa, Sudan, Tajikistan, Turkmenistan, Uzbekistan, Venezuela (Bolivarian Republic of) and Zimbabwe: draft resolution

Inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenant on Civil and Political Rights,[2] the International Convention on the Elimination of All Forms of Racial Discrimination[3] and other relevant human rights instruments,

Recalling the provisions of resolutions 2004/16 of 16 April 2004[4] and 2005/5 of 14 April 2005[5] of the Commission on Human Rights, as well as General Assembly resolution 60/143 of 16 December 2005 on this issue and its resolution 60/144 of 16 December 2005 entitled "Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action",

Recalling also the Charter of the Nuremberg Tribunal and the Judgement of the Tribunal, which recognized the Waffen SS organization and all its integral parts as criminal and declared it responsible for many war crimes and crimes against humanity,

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[1] Resolution 217 A (III).

[2] See resolution 2200 A (XXI), annex.

[3] Resolution 2106 A (XX), annex.

[4] See *Official Records of the Economic and Social Council, 2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

[5] Ibid., *2005, Supplement No. 3* and corrigendum (E/2005/23 and Corr.1), chap. II, sect. A.

06-60657 (E) 081106

Recalling further the relevant provisions of the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on 8 September 2001,[6] in particular paragraph 2 of the Declaration and paragraph 86 of the Programme of Action,

Recalling equally the study undertaken by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,[7] and taking note of his report,[8]

Alarmed, in this regard, at the spread in many parts of the world of various extremist political parties, movements and groups, including neo-Nazis and skinhead groups,

1. *Reaffirms* the provision of the Durban Declaration[6] in which States condemned the persistence and resurgence of neo-Nazism, neo-Fascism and violent nationalist prejudice and stated that those phenomena could never be justified in any instance or in any circumstances;

2. *Expresses deep concern* over the glorification of the Nazi movement and former members of the Waffen SS organization, including by erecting monuments and memorials as well as holding public demonstrations in the name of the glorification of the Nazi past, the Nazi movement and neo-Nazism;

3. *Notes with concern* the increase in the number of racist incidents in several countries and the rise of skinhead groups, which have been responsible for many of these incidents, as observed by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance;

4. *Reaffirms* that such acts may be qualified to fall within the scope of activities described in article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination,[3] and that they represent a clear and manifest abuse of the rights to freedom of peaceful assembly and of association as well as the rights to freedom of opinion and expression within the meaning of those rights as guaranteed by the Universal Declaration of Human Rights,[1] the International Covenant on Civil and Political Rights[2] and the International Convention on the Elimination of All Forms of Racial Discrimination;

5. *Stresses* that the practices described above do injustice to the memory of the countless victims of crimes against humanity committed in the Second World War, in particular those committed by the SS organization, and poison the minds of young people, and that those practices are incompatible with the obligations of States Members of the United Nations under its Charter and are incompatible with the goals and principles of the Organization;

6. *Also stresses* that such practices fuel contemporary forms of racism, racial discrimination, xenophobia and related intolerance and contribute to the spread and multiplication of various extremist political parties, movements and groups, including neo-Nazis and skinhead groups;

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[6] See A/CONF.189/12 and Corr.1, chap. I.

[7] E/CN.4/2005/18 and Add.1 and Add.1/Corr.1 and Add.2-6.

[8] See A/61/335.

7. *Emphasizes* the need to take the necessary measures to put an end to the practices described above, and calls upon States to take more effective measures to combat those phenomena and the extremist movements, which pose a real threat to democratic values;

8. *Reaffirms* that, according to article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, States parties to that instrument are, inter alia, under the obligation:

(a) To condemn all propaganda and all organizations that are based on ideas of racial superiority or that attempt to justify or promote racial hatred and discrimination in any form;

(b) To undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of the Convention;

(c) To declare as an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;

(d) To declare illegal and prohibit organizations and organized and all other propaganda activities that promote and incite racial discrimination and to recognize participation in such organizations or activities as an offence punishable by law;

(e) To prohibit public authorities or public institutions, national or local, from promoting or inciting racial discrimination;

9. *Calls upon* those States that have made reservations to article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination to give serious consideration to withdrawing such reservations as a matter of priority;

10. *Recalls* the request of the Commission on Human Rights in its resolution 2005/5[5] that the Special Rapporteur continue to reflect on this issue, make relevant recommendations in his future reports and seek and take into account in this regard the views of Governments and non-governmental organizations;

11. *Invites* Governments and non-governmental organizations to cooperate fully with the Special Rapporteur in the exercise of the aforementioned task;

12. *Decides* to remain seized of the issue.

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Third Committee
Agenda item 65 (a)
Elimination of racism and racial discrimination: elimination of racism and racial discrimination

Albania, Argentina, Austria, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Haiti, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Moldova, Monaco, Netherlands, Panama, Poland, Portugal, Republic of Korea, Romania, Rwanda, San Marino, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey and United Kingdom of Great Britain and Northern Ireland: draft resolution

International Convention on the Elimination of All Forms of Racial Discrimination

The General Assembly,

Recalling its previous resolutions on the International Convention on the Elimination of All Forms of Racial Discrimination,[1] most recently resolution 59/176 of 20 December 2004,

Bearing in mind the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[2] in particular section II.B of the Declaration, relating to equality, dignity and tolerance,

Reiterating the need to intensify the struggle to eliminate all forms of racism, racial discrimination, xenophobia and related intolerance throughout the world,

Reiterating also the importance of the Convention, which is one of the most widely accepted human rights instruments adopted under the auspices of the United Nations,

Reaffirming that universal adherence to and full implementation of the Convention are of paramount importance for promoting equality and non-discrimination in the world, as stated in the Durban Declaration and Programme of

[1] Resolution 2106 A (XX), annex.
[2] A/CONF.157/24 (Part I), chap. III.

06-60679 (E) 081106

Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on 8 September 2001,[3]

Mindful of the importance of the contributions of the Committee on the Elimination of Racial Discrimination to the effective implementation of the Convention and to the efforts of the United Nations to combat racism, racial discrimination, xenophobia and related intolerance,

Emphasizing the obligation of all States parties to the Convention to take legislative, judicial and other measures in order to secure full implementation of the provisions of the Convention,

Recalling its resolution 47/111 of 16 December 1992, in which it welcomed the decision, taken on 15 January 1992 by the Fourteenth Meeting of States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination, to amend paragraph 6 of article 8 of the Convention and to add a new paragraph, as paragraph 7 of article 8, with a view to providing for the financing of the Committee from the regular budget of the United Nations,[4] and reiterating its deep concern that the amendment to the Convention has not yet entered into force,

Stressing the importance of enabling the Committee to function smoothly and to have all necessary facilities for the effective performance of its functions under the Convention,

I

Reports of the Committee on the Elimination of Racial Discrimination

1. *Takes note* of the reports of the Committee on the Elimination of Racial Discrimination on its sixty-sixth and sixty-seventh[5] and its sixty-eighth and sixty-ninth[6] sessions;

2. *Commends* the Committee for its contributions to the effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination,[1] especially through the examination of reports under article 9 of the Convention, action on communications under article 14 of the Convention, early warning measures and urgent procedures and thematic discussions on issues such as the prevention of genocide, which contribute to the prevention and elimination of racism, racial discrimination, xenophobia and related intolerance;

3. *Calls upon* States parties to fulfil their obligation, under article 9, paragraph 1, of the Convention, to submit their periodic reports on measures taken to implement the Convention in due time;

4. *Expresses its concern* at the fact that a great number of reports are overdue and continue to be overdue, in particular initial reports, which constitutes an obstacle to the full implementation of the Convention;

5. *Encourages* States parties to the Convention whose reports are seriously overdue to avail themselves of the advisory services and technical assistance that

[3] See A/CONF.189/12 and Corr.1, chap. I.

[4] See CERD/SP/45, annex.

[5] *Official Records of the General Assembly, Sixtieth Session, Supplement No. 18* (A/60/18).

[6] Ibid., *Sixty-first Session, Supplement No. 18* (A/61/18).

the Office of the United Nations High Commissioner for Human Rights can provide, upon their request, for the preparation of the reports;

6. *Encourages* the Committee to continue to cooperate and exchange information with United Nations bodies and mechanisms, in particular with the Human Rights Council, the Subcommission on the Promotion and Protection of Human Rights and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and with intergovernmental organizations, as well as with non-governmental organizations;

7. *Encourages* States parties to continue to include a gender perspective in their reports to the Committee, and invites the Committee to take into account a gender perspective in the implementation of its mandate;

8. *Notes with appreciation* the engagement of the Committee in the follow-up to the Durban Declaration and Programme of Action;[7]

9. *Expresses its appreciation* for the efforts made so far by the Committee to improve the efficiency of its working methods, and encourages the Committee to continue its activities in this regard;

10. *Welcomes* in this regard measures taken by the Committee to follow up on its concluding observations and recommendations, such as the decision to appoint a follow-up coordinator[7] and to adopt guidelines on the follow-up;[8]

11. *Encourages* the continued participation of members of the Committee in the annual inter-committee meetings and meetings of chairpersons of the human rights treaty bodies, especially with a view to a more coordinated approach to the activities of the treaty body system and standardized reporting;

II
Financial situation of the Committee on the Elimination of Racial Discrimination

12. *Takes note* of the report of the Secretary-General on the financial situation of the Committee on the Elimination of Racial Discrimination;[9]

13. *Expresses its profound concern* at the fact that a number of States parties to the International Convention on the Elimination of All Forms of Racial Discrimination have still not fulfilled their financial obligations, as shown in the report of the Secretary-General, and strongly appeals to all States parties that are in arrears to fulfil their outstanding financial obligations under article 8, paragraph 6, of the Convention;

14. *Strongly urges* States parties to the Convention to accelerate their domestic ratification procedures with regard to the amendment to the Convention concerning the financing of the Committee and to notify the Secretary-General expeditiously in writing of their agreement to the amendment, as decided upon at the Fourteenth Meeting of States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination on 15 January 1992,[4] endorsed by the General Assembly in its resolution 47/111 and further reiterated at the Sixteenth Meeting of States Parties on 16 January 1996;

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[7] See, ibid., *Sixtieth Session, Supplement No. 18* (A/60/18), annex IV.

[8] Ibid., *Sixty-first Session, Supplement No. 18* (A/61/18), annex VI.

[9] A/61/186.

15. *Requests* the Secretary-General to continue to ensure adequate financial arrangements and to provide the necessary support, including an adequate level of Secretariat assistance, in order to ensure the functioning of the Committee and to enable it to cope with its increasing amount of work;

16. *Also requests* the Secretary-General to invite those States parties to the Convention that are in arrears to pay the amounts in arrears, and to report thereon to the General Assembly at its sixty-third session;

III
Status of the International Convention on the Elimination of All Forms of Racial Discrimination

17. *Takes note* of the report of the Secretary-General on the status of the International Convention on the Elimination of All Forms of Racial Discrimination;[10]

18. *Expresses its satisfaction* at the number of States that have ratified or acceded to the Convention, which now stands at one hundred and seventy-two;

19. *Urges* States parties to comply fully with their obligations under the Convention and to take into consideration the concluding observations and general recommendations of the Committee;

20. *Reaffirms its conviction* that ratification of or accession to the Convention on a universal basis and the implementation of its provisions are necessary for the effectiveness of the fight against racism, racial discrimination, xenophobia and related intolerance and for the implementation of the commitments undertaken under the Durban Declaration and Programme of Action, and expresses its disappointment that universal ratification of the Convention was not achieved by the targeted date of 2005;

21. *Urges* all States that have not yet become parties to the Convention to ratify or accede to it as a matter of urgency;

22. *Urges* States to limit the extent of any reservation they lodge to the Convention and to formulate any reservation as precisely and as narrowly as possible in order to ensure that no reservation is incompatible with the object and purpose of the Convention, to review their reservations on a regular basis with a view to withdrawing them, and to withdraw reservations that are contrary to the object and purpose of the Convention;

23. *Notes* that the number of States parties to the Convention that have made the declaration provided for in article 14 of the Convention now stands at forty-nine, and requests the States parties that have not yet done so to consider making that declaration;

24. *Invites* the Chairman of the Committee on the Elimination of Racial Discrimination to present an oral report on the work of the Committee to the General Assembly at its sixty-third session;

25. *Decides* to consider, at its sixty-third session, under the item entitled "Elimination of racism and racial discrimination", the reports of the Committee on

[10] A/61/260.

the Elimination of Racial Discrimination on its seventieth and seventy-first and its seventy-second and seventy-third sessions, the report of the Secretary-General on the financial situation of the Committee and the report of the Secretary-General on the status of the Convention.

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Third Committee
Agenda item 66
Right of peoples to self-determination

Algeria, Angola, China, Cuba, Democratic Republic of the Congo, Ecuador, El Salvador, Ethiopia, India, Lao People's Democratic Republic, Malawi, Nigeria, Pakistan, Russian Federation and Togo: draft resolution

Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

The General Assembly,

Recalling all its previous resolutions on the subject, including resolution 59/178 of 20 December 2004, and taking note of Commission on Human Rights resolution 2005/2 of 7 April 2005,[1]

Recalling also all of its relevant resolutions, in which, inter alia, it condemned any State that permitted or tolerated the recruitment, financing, training, assembly, transit and use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, or of fighting against national liberation movements, and recalling further the relevant resolutions and international instruments adopted by the General Assembly, the Security Council, the Economic and Social Council and the Organization of African Unity, inter alia, the Organization of African Unity Convention for the elimination of mercenarism in Africa,[2] as well as the African Union,[3]

Reaffirming the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, the territorial integrity of States, the self-determination of peoples, the non-use of force or of the threat of use of force in international relations and non-interference in affairs within the domestic jurisdiction of States,

[1] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* (E/2005/23), chap. II, sect. A.

[2] United Nations, *Treaty Series*, vol. 1490, No. 25573.

[3] On 8 July 2002, the Organization of African Unity ceased to exist and, in its place, the African Union came into force on 9 July 2002.

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Reaffirming also that, by virtue of the principle of self-determination, all peoples have the right freely to determine their political status and to pursue their economic, social and cultural development, and that every State has the duty to respect this right in accordance with the provisions of the Charter,

Reaffirming further the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,[4]

Alarmed and concerned at the danger that the activities of mercenaries constitute to peace and security in developing countries, in particular in Africa and in small States,

Deeply concerned at the loss of life, the substantial damage to property and the negative effects on the policy and economies of affected countries resulting from criminal mercenary activities,

Extremely alarmed and concerned about recent mercenary activities in Africa and the threat they pose to the integrity of and respect for the constitutional order of those countries,

Convinced that, notwithstanding the way in which they are used or the form that they take to acquire some semblance of legitimacy, mercenaries or mercenary-related activities are a threat to peace, security and the self-determination of peoples and an obstacle to the enjoyment of all human rights by peoples,

1. *Takes note* of the report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination;[5]

2. *Reaffirms* that the use of mercenaries and their recruitment, financing and training are causes for grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations;

3. *Recognizes* that armed conflict, terrorism, arms trafficking and covert operations by third Powers, inter alia, encourage the demand for mercenaries on the global market;

4. *Urges once again* all States to take the necessary steps and to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to take legislative measures to ensure that their territories and other territories under their control, as well as their nationals, are not used for the recruitment, assembly, financing, training and transit of mercenaries for the planning of activities designed to impede the right of peoples to self-determination, to destabilize or overthrow the Government of any State or to dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the right of peoples to self-determination;

5. *Requests* all States to exercise the utmost vigilance against any kind of recruitment, training, hiring or financing of mercenaries by private companies offering international military consultancy and security services, as well as to

[4] Resolution 2625 (XXV), annex.

[5] See A/61/341.

impose a specific ban on such companies intervening in armed conflicts or actions to destabilize constitutional regimes;

6. *Calls upon* all States that have not yet done so to consider taking the necessary action to accede to or ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries;[6]

7. *Welcomes* the adoption by some States of national legislation that restricts the recruitment, assembly, financing, training and transit of mercenaries;

8. *Condemns* recent mercenary activities in Africa, and commends the African Governments on their collaboration in thwarting those illegal actions, which posed a threat to the integrity of and respect for the constitutional order of those countries and the exercise of the right of their peoples to self-determination;

9. *Calls upon* States to investigate the possibility of mercenary involvement whenever and wherever criminal acts of a terrorist nature occur and to bring to trial those found responsible or to consider their extradition, if so requested, in accordance with domestic law and applicable bilateral or international treaties;

10. *Condemns* any form of impunity granted to perpetrators of mercenary activities and to those responsible for the use, recruitment, financing and training of mercenaries, and urges all States, in accordance with their obligations under international law, to bring them, without distinction, to justice;

11. *Calls upon* Member States, in accordance with their obligations under international law, to cooperate with and assist the judicial prosecution of those accused of mercenary activities in transparent, open and fair trials;

12. *Requests* the Working Group to continue the work already done by the previous Special Rapporteurs on the strengthening of the international legal framework for the prevention and sanction of the recruitment, use, financing and training of mercenaries, taking into account the proposal for a new legal definition of a mercenary drafted by the Special Rapporteur in his report to the Commission on Human Rights at its sixtieth session;[7]

13. *Requests* the Office of the High Commissioner, as a matter of priority, to publicize the adverse effects of the activities of mercenaries on the right of peoples to self-determination and, when requested and where necessary, to render advisory services to States that are affected by those activities;

14. *Expresses its appreciation* to the Office of the United Nations High Commissioner for convening the third meeting of experts on traditional and new forms of mercenary activities as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, and takes note of the report of the meeting;[8]

15. *Requests* the Working Group to continue to take into account, in the discharge of its mandate, the fact that mercenary activities continue to occur in many parts of the world and are taking on new forms, manifestations and modalities, and, in this regard, requests its members to continue to pay particular attention to the impact of the activities of private companies offering military assistance,

[6] United Nations, *Treaty Series*, vol. 2163, No. 37789.

[7] See E/CN.4/2004/15, para. 47.

[8] See E/CN.4/2005/23.

consultancy and security services on the international market on the exercise of the right of peoples to self-determination;

16. *Urges* all States to cooperate fully with the Working Group in the fulfilment of its mandate;

17. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Working Group with all the necessary assistance and support for the fulfilment of its mandate, both professional and financial, including through the promotion of cooperation between the Working Group and other components of the United Nations system that deal with countering mercenary-related activities, in order to meet the demands of its current and future activities;

18. *Requests* the Working Group to consult States and intergovernmental and non-governmental organizations in the implementation of the present resolution and to report, with specific recommendations, to the General Assembly at its sixty-second session its findings on the use of mercenaries to undermine the enjoyment of all human rights and to impede the exercise of the right of peoples to self-determination;

19. *Decides* to consider at its sixty-second session the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination under the item entitled "Right of peoples to self-determination".

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Agenda item 66

Right of peoples to self-determination

Algeria, Armenia, Austria, Bahrain, Bangladesh, Barbados, Belgium, Brunei Darussalam, China, Comoros, Cuba, Cyprus, Djibouti, Egypt, Estonia, Finland, France, Greece, Guinea, Hungary, India, Indonesia, Iraq, Ireland, Jordan, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lithuania, Luxembourg, Malaysia, Mali, Malta, Mauritania, Morocco, Namibia, Nigeria, Oman, Pakistan, Poland, Portugal, Qatar, Saudi Arabia, Senegal, Slovakia, Somalia, South Africa, Sudan, Sweden, Switzerland, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of), Yemen, Zimbabwe and Palestine: draft resolution

The right of the Palestinian people to self-determination

The General Assembly,

Aware that the development of friendly relations among nations, based on respect for the principle of equal rights and self-determination of peoples, is among the purposes and principles of the United Nations, as defined in the Charter,

Recalling, in this regard, its resolution 2625 (XXV) of 24 October 1970 entitled "Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations",

Bearing in mind the International Covenants on Human Rights,[1] the Universal Declaration of Human Rights,[2] the Declaration on the Granting of Independence to Colonial Countries and Peoples[3] and the Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights on 25 June 1993,[4]

[1] Resolution 2200 A (XXI), annex.

[2] Resolution 217 A (III).

[3] Resolution 1514 (XV).

[4] A/CONF.157/24 (Part I), chap. III.

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Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,[5]

Recalling also the United Nations Millennium Declaration,[6]

Recalling further the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*,[7] and noting in particular the reply of the Court, including on the right of peoples to self-determination, which is a right *erga omnes*,[8]

Recalling the conclusion of the Court, in its advisory opinion of 9 July 2004, that the construction of the wall by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, along with measures previously taken, severely impedes the right of the Palestinian people to self-determination,[9]

Expressing the urgent need for the resumption of negotiations within the Middle East peace process on its agreed basis and for the speedy achievement of a just, lasting and comprehensive peace settlement between the Palestinian and Israeli sides,

Recalling its resolution 60/146 of 16 December 2005,

Affirming the right of all States in the region to live in peace within secure and internationally recognized borders,

1. *Reaffirms* the right of the Palestinian people to self-determination, including the right to their independent State of Palestine;

2. *Urges* all States and the specialized agencies and organizations of the United Nations system to continue to support and assist the Palestinian people in the early realization of their right to self-determination.

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[5] See resolution 50/6.

[6] See resolution 55/2.

[7] See A/ES-10/273 and Corr.1.

[8] Ibid., advisory opinion, para. 88.

[9] Ibid., para. 122.

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Agenda item 41

Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions

Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Belarus, Belgium, Benin, Bosnia and Herzegovina, Brazil, Burundi, Cameroon, Canada, Cape Verde, Chad, Chile, Colombia, Congo, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Finland, France, Georgia, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kenya, Kyrgyzstan, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Malawi, Malta, Moldova, Monaco, Morocco, Namibia, Netherlands, Nigeria, Norway, Panama, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Sierra Leone, Slovenia, Spain, Sri Lanka, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, United Kingdom of Great Britain and Northern Ireland, United States of America: draft resolution

Office of the United Nations High Commissioner for Refugees

The General Assembly,

Having considered the report of the United Nations High Commissioner for Refugees on the activities of his Office[1] and the report of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on the work of its fifty-seventh session[2] and the conclusions and decisions contained therein,

Recalling its previous annual resolutions on the work of the Office of the High Commissioner since its establishment by the General Assembly,

Expressing its appreciation for the leadership shown by the High Commissioner, commending the staff and implementing partners of the Office of the

[1] *Official Records of the General Assembly, Sixty-first Session, Supplement No. 12* (A/61/12).

[2] Ibid., *Supplement No. 12A* (A/61/12/Add.1).

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High Commissioner for the competent, courageous and dedicated manner in which they discharge their responsibilities, and underscoring its strong condemnation of all forms of violence to which humanitarian personnel and United Nations and associated personnel are increasingly exposed,

1. *Endorses* the report of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on the work of its fifty-seventh session;[2]

2. *Welcomes* the important work undertaken by the Office of the United Nations High Commissioner for Refugees and its Executive Committee in the course of the year, and notes in this context the adoption of the conclusion on women and girls at risk and the conclusion on identification, prevention and reduction of statelessness and protection of stateless persons,[3] which are aimed at strengthening the international protection regime, consistent with the Agenda for Protection,[4] and at assisting Governments in meeting their protection responsibilities in today's changing international environment, including by promoting the progressive implementation of mechanisms and standards through relevant national public policies supported by the international community;

3. *Reaffirms* the 1951 Convention relating to the Status of Refugees[5] and the 1967 Protocol thereto[6] as the foundation of the international refugee protection regime, recognizes the importance of their full and effective application by States parties and the values they embody, notes with satisfaction that one hundred and forty-six States are now parties to one instrument or to both, encourages States not parties to consider acceding to those instruments, underlines in particular the importance of full respect for the principle of non-refoulement, and recognizes that a number of States not parties to the international refugee instruments have shown a generous approach to hosting refugees;

4. *Notes* that sixty-one States are now parties to the 1954 Convention relating to the Status of Stateless Persons[7] and that thirty-three States are parties to the 1961 Convention on the Reduction of Statelessness,[8] encourages States that have not done so to give consideration to acceding to these instruments, notes the work of the High Commissioner in regard to identifying stateless persons, preventing and reducing statelessness, and protecting stateless persons, and urges the Office to continue to work in this area in accordance with relevant General Assembly resolutions and Executive Committee conclusions;

5. *Takes note* of the current activities of the office related to the protection and assistance of internally displaced persons, including in the context of inter-agency arrangements in this field, emphasizes that such activities should be consistent with relevant General Assembly resolutions and should not undermine the mandate of the Office for refugees and the institution of asylum, and encourages the High Commissioner to continue his dialogue with States on the role of his Office in this regard;

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[3] Ibid., chap. III, sects. A-B.

[4] Ibid., *Fifty-seventh Session, Supplement No. 12A* (A/57/12/Add.1), annex IV.

[5] United Nations, *Treaty Series*, vol. 189, No. 2545.

[6] Ibid., vol. 606, No. 8791.

[7] Ibid., vol. 360, No. 5158.

[8] Ibid., vol. 989, No. 14458.

6. *Re-emphasizes* that the protection of refugees is primarily the responsibility of States, whose full and effective cooperation, action and resolve are required to enable the Office of the High Commissioner to fulfil its mandated functions and strongly emphasizes, in this context, the importance of active international solidarity and burden- and responsibility-sharing;

7. *Emphasizes* that the prevention and reduction of statelessness are primarily the responsibility of States, in appropriate cooperation with the international community;

8. *Also emphasizes* that protection and assistance to internally displaced persons are primarily the responsibility of States, in appropriate cooperation with the international community;

9. *Urges* all States and relevant non-governmental and other organizations, in conjunction with the Office of the High Commissioner, in a spirit of international solidarity and burden- and responsibility-sharing, to cooperate and to mobilize resources with a view to enhancing the capacity of and reducing the heavy burden borne by host countries, particularly those that have received large numbers of refugees and asylum-seekers, and calls upon the Office to continue to play its catalytic role in mobilizing assistance from the international community to address the root causes as well as the economic, environmental and social impact of large-scale refugee populations in developing countries, in particular the least developed countries, and countries with economies in transition;

10. *Strongly condemns* attacks on refugees, asylum-seekers and internally displaced persons as well as acts that pose a threat to their personal security and well-being, and calls upon all concerned States and, where applicable, parties involved in an armed conflict to take all necessary measures to ensure respect for human rights and international humanitarian law;

11. *Deplores* the refoulement and unlawful expulsion of refugees and asylum-seekers, and calls upon all concerned States to ensure respect for the principles of refugee protection and human rights;

12. *Emphasizes* that international protection of refugees is a dynamic and action-oriented function that is at the core of the mandate of the Office of the High Commissioner and that it includes, in cooperation with States and other partners, the promotion and facilitation of, inter alia, the admission, reception and treatment of refugees in accordance with internationally agreed standards and the ensuring of durable, protection-oriented solutions, bearing in mind the particular needs of vulnerable groups and paying special attention to those with specific needs, and notes in this context that the delivery of international protection is a staff-intensive service that requires adequate staff with the appropriate expertise, especially at the field level;

13. *Affirms* the importance of mainstreaming the protection needs of women and children to ensure their participation in the planning and implementation of programmes of the Office of the High Commissioner and State policies and the importance of according priority to addressing the problem of sexual and gender-based violence;

14. *Acknowledges* that forcibly displaced women and girls can be exposed to particular protection problems related to their gender, their cultural and

socio-economic position, and their legal status, that they may be less likely than men and boys to be able to exercise their rights, and that therefore specific action in favour of women and girls may be necessary to ensure they can enjoy protection and assistance on an equal basis with men and boys, and notes the important guidance provided in the Executive Committee conclusion on women and girls at risk in order to address issues of identification of these individuals and action to be taken in prevention and response;

15. *Strongly reaffirms* the fundamental importance and the purely humanitarian and non-political character of the function of the Office of the High Commissioner of providing international protection to refugees and seeking permanent solutions to refugee problems, and recalls that these solutions include voluntary repatriation and, where appropriate and feasible, local integration and resettlement in a third country, while reaffirming that voluntary repatriation, supported by necessary rehabilitation and development assistance to facilitate sustainable reintegration, remains the preferred solution;

16. *Expresses concern* about the particular difficulties faced by the millions of refugees in protracted situations, and emphasizes the need to redouble international efforts and cooperation to find practical and comprehensive approaches to resolving their plight and to realize durable solutions for them, consistent with relevant General Assembly resolutions and international law;

17. *Recalls* the important role of effective partnerships and coordination in meeting the needs of refugees and in finding durable solutions to their situations, welcomes the efforts under way, in cooperation with countries hosting refugees and countries of origin, including their respective local communities, United Nations agencies and other development actors, to promote a framework for durable solutions, particularly in protracted refugee situations, which includes the "4Rs" approach (repatriation, reintegration, rehabilitation and reconstruction) to sustainable return, and encourages States, in cooperation with United Nations agencies and other development actors, to support, inter alia, through the allocation of funds, the development and implementation of the 4Rs and other programming tools to facilitate the transition from relief to development;

18. *Welcomes* the progress that has been achieved in increasing the number of refugees resettled and the number of States offering opportunities for resettlement, notes that the Multilateral Framework of Understandings on Resettlement[9] sets out the strategic use of resettlement as part of a comprehensive approach to refugee situations aimed at improving access to durable solutions for a greater number of refugees, and invites interested States, the Office of the High Commissioner and other relevant partners to make use of the Multilateral Framework, where appropriate and feasible;

19. *Notes* the progress that is being made by interested States and the Office to take forward elements outlined in the Mexico Plan of Action to Strengthen International Protection of Refugees in Latin America, adopted on 16 November 2004, and expresses its support for the efforts to promote its implementation with the cooperation and assistance of the international community, as appropriate, including in the area of resettlement, as well as in supporting host communities that receive large numbers of persons who require international protection;

[9] See www.unhcr.org.

20. *Notes* that some progress is being made by interested States and the Office within the context of the European-Asian Programme on Forced Displacement and Migration on issues related to asylum and forced displacement, consistent with the mandate of the Office;

21. *Notes* the importance of States and the Office discussing and clarifying the role of the Office in mixed migratory flows, in order to better address protection needs in the context of mixed migratory flows, including by safeguarding access to asylum for those in need of international protection, and further notes the readiness of the High Commissioner, consistent with his mandate, to assist States in fulfilling their protection responsibilities in this regard;

22. *Emphasizes* the obligation of all States to accept the return of their nationals, calls upon States to facilitate the return of their nationals who have been determined not to be in need of international protection, and affirms the need for the return of persons to be undertaken in a safe and humane manner and with full respect for their human rights and dignity, irrespective of the status of the persons concerned;

23. *Encourages* the Office of the High Commissioner to continue to improve its management systems and to ensure effective and transparent use of its resources, recognizes that adequate and timely resources are essential for the Office to continue to fulfil the mandate conferred upon it through its statute[10] and by subsequent General Assembly resolutions on refugees and other persons of concern, recalls its resolutions 58/153 of 22 December 2003, 58/270 of 23 December 2003, 59/170 of 20 December 2004 and 60/129 of 16 December 2005 concerning, inter alia, the implementation of paragraph 20 of the statute of the Office, and urges Governments and other donors to respond promptly to annual and supplementary appeals issued by the Office for requirements under its programmes;

24. *Calls upon* the Office to widen its donor base, so as to achieve a greater burden-sharing by reinforcing cooperation with traditional governmental donors, non-traditional donors and the private sector;

25. *Requests* the High Commissioner to report on his activities to the General Assembly at its sixty-second session.

[10] Resolution 428 (V), annex.

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Agenda item 65 (b)
Elimination of racism and racial discrimination: comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

South Africa:* draft resolution

Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

The General Assembly,

Recalling its resolution 60/144 of 16 December 2005, in which it reiterated its firm commitment to continue its global efforts towards the total elimination of the scourges of racism, racial discrimination, xenophobia and related intolerance, and towards the effective and comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action,

Recalling also its resolution 59/177 of 20 December 2004, in which it firmly consolidated the global drive for the total elimination of racism, racial discrimination, xenophobia and related intolerance and recognized the absolute necessity and the imperative nature of the political will for the achievement of the commitments undertaken in the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001,[1]

Recalling further its resolution 58/160 of 22 December 2003, in which it decided to place emphasis on the concrete implementation of the Durban Declaration and Programme of Action as a solid foundation for a broad-based consensus for further actions and initiatives towards the total elimination of the scourge of racism,

* On behalf of the States Members of the United Nations that are members of the Group of 77 and China.

[1] See A/CONF.189/12 and Corr.1, chap. I.

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Recalling its resolution 57/195 of 18 December 2002, in which it outlined the important roles and responsibilities of the various organs of the United Nations and other stakeholders at the international, regional and national levels, including, in particular, the Commission on Human Rights, and its resolution 56/266 of 27 March 2002, in which it endorsed the Durban Declaration and Programme of Action as constituting a solid foundation for further action and initiatives towards the total elimination of the scourge of racism,

Reiterating that all human beings are born free and equal in dignity and rights and have the potential to contribute constructively to the development and well-being of their societies, and that any doctrine of racial superiority is scientifically false, morally condemnable, socially unjust and dangerous and must be rejected, together with theories that attempt to determine the existence of separate human races,

Convinced that racism, racial discrimination, xenophobia and related intolerance manifest themselves in a differentiated manner for women and girls and may be among the factors leading to a deterioration in their living conditions, poverty, violence, multiple forms of discrimination and the limitation or denial of their human rights, and recognizing the need to integrate a gender perspective into relevant policies, strategies and programmes of action against racism, racial discrimination, xenophobia and related intolerance in order to address multiple forms of discrimination,

Welcoming Human Rights Council resolution 1/5 of 29 June 2006 entitled "Intergovernmental Working Group of the Durban Declaration and Programme of Action",

Taking note of Commission on Human Rights resolutions 2002/68 of 25 April 2002,[2] 2003/30 of 23 April 2003,[3] 2004/88 of 22 April 2004[4] and 2005/64 of 20 April 2005,[5] by which the international community put into effect mechanisms for the effective implementation of the Durban Declaration and Programme of Action,

Underlining the primacy of political will, international cooperation and adequate funding at the national, regional and international levels for the successful implementation of the Durban Programme of Action,

Alarmed at the increase in racist violence and xenophobic ideas in many parts of the world, in political circles, in the sphere of public opinion and in society at large, inter alia, as a result of the resurgent activities of associations established on the basis of racist and xenophobic platforms and charters, and the persistent use of those platforms and charters to promote or incite racist ideologies,

Underlining the importance of urgently eliminating continuing and violent trends involving racism and racial discrimination, and conscious that any form of impunity for crimes motivated by racist and xenophobic attitudes plays a role in

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[2] See *Official Records of the Economic and Social Council, 2002, Supplement No. 3* (E/2002/23), chap. II, sect. A.

[3] Ibid., *2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[4] Ibid., *2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

[5] Ibid., *2005, Supplement No. 3* and corrigendum (E/2005/23 and Corr.1), chap. II, sect. A.

weakening the rule of law and democracy, tends to encourage the recurrence of such crimes and requires resolute action and cooperation for its eradication,

Welcoming the interim report of the Special Rapporteur of the Human Rights Council on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,[6]

Taking note of the report of the Secretary-General,[7]

I
Basic general principles

1. *Acknowledges* that no derogation from the prohibition of racial discrimination, genocide, the crime of apartheid or slavery is permitted, as defined in the obligations under the relevant human rights instruments;

2. *Expresses its profound concern about and its unequivocal condemnation* of all forms of racism and racial discrimination, including related acts of racially motivated violence, xenophobia and intolerance, as well as propaganda activities and organizations that attempt to justify or promote racism, racial discrimination, xenophobia and related intolerance in any form;

3. *Expresses deep concern* at recent attempts to establish hierarchies among emerging and resurgent forms of racism, racial discrimination, xenophobia and related intolerance, and urges States to adopt measures to address these scourges with the same emphasis and vigour with a view to preventing this practice and protecting victims;

4. *Stresses* that States and international organizations have a responsibility to ensure that measures taken in the struggle against terrorism do not discriminate in purpose or effect on grounds of race, colour, descent or national or ethnic origin, and urges all States to rescind or refrain from all forms of racial profiling;

5. *Recognizes* that States should implement and enforce appropriate and effective legislative, judicial, regulatory and administrative measures to prevent and protect against acts of racism, racial discrimination, xenophobia and related intolerance, thereby contributing to the prevention of human rights violations;

6. *Recognizes also* that racism, racial discrimination, xenophobia and related intolerance occur on the grounds of race, colour, descent, or national or ethnic origin and that victims can suffer multiple or aggravated forms of discrimination based on other related grounds, such as sex, language, religion, political or other opinion, social origin, property, birth or other status;

7. *Reaffirms* that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law;

8. *Emphasizes* that it is the responsibility of States to adopt effective measures to combat criminal acts motivated by racism, racial discrimination, xenophobia and related intolerance, including measures to ensure that such

[6] A/61/335.
[7] A/61/337.

motivations are considered an aggravating factor for the purposes of sentencing, to prevent those crimes from going unpunished and to ensure the rule of law;

9. *Urges* all States to review and, where necessary, revise their immigration laws, policies and practices so that they are free of racial discrimination and compatible with their obligations under international human rights instruments;

10. *Condemns* the misuse of print, audio-visual and electronic media and new communication technologies, including the Internet, to incite violence motivated by racial hatred, and calls upon States to take all necessary measures to combat this form of racism in accordance with the commitments that they have undertaken under the Durban Declaration and Programme of Action,[1] in particular paragraph 147 of the Programme of Action, in accordance with existing international and regional standards of freedom of expression and taking all necessary measures to guarantee the right to freedom of opinion and expression;

11. *Encourages* all States to include in their educational curricula and social programmes at all levels, as appropriate, knowledge of and tolerance and respect for foreign cultures, civilizations, religions, peoples and countries;

12. *Stresses* the responsibility of States to mainstream a gender perspective in the design and development of prevention, education and protection measures aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at all levels, to ensure that they effectively target the distinct situations of women and men;

II
International Convention on the Elimination of All Forms of Racial Discrimination

13. *Reaffirms* that universal adherence to and full implementation of the International Convention on the Elimination of All Forms of Racial Discrimination[8] are of paramount importance for the promotion of equality and non-discrimination in the world;

14. *Reiterates* the call made by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, in paragraph 75 of the Durban Programme of Action,[1] to achieve universal ratification of the Convention by 2005 and for all States to consider making the declaration envisaged under article 14 of the Convention, and endorses the grave concern expressed by the Commission on Human Rights in its resolution 2005/64[5] to the effect that, with one hundred and seventy ratifications and only forty-six declarations, the deadline for universal ratification decided by the Conference has, regrettably, not been realized;

15. *Urges*, in the above context, the Office of the United Nations High Commissioner for Human Rights to maintain and issue regular updates on its website of a list of countries that have not yet ratified the Convention and to encourage such countries to ratify it at the earliest;

16. *Expresses concern* at the serious delays in the submission of overdue reports to the Committee on the Elimination of Racial Discrimination, which impedes the effectiveness of the Committee, makes a strong appeal to all States parties to the

[8] Resolution 2106 A (XX), annex.

Convention to comply with their treaty obligations and reaffirms the importance of the provision of technical assistance to the requesting countries in the preparation of their reports to the Committee on the Elimination of Racial Discrimination;

17. *Invites* States parties to the Convention to ratify the amendment to article 8 of the Convention, on the financing of the Committee, and calls for adequate additional resources from the regular budget of the United Nations to enable the Committee to discharge its mandate fully;

18. *Urges* all States parties to the Convention to intensify their efforts to implement the obligations that they have accepted under article 4 of the Convention, with due regard to the principles of the Universal Declaration of Human Rights[9] and article 5 of the Convention;

19. *Reaffirms* that the Committee holds that the prohibition of the dissemination of ideas based on racial superiority or racial hatred is compatible with the right to freedom of opinion and expression as outlined in article 19 of the Universal Declaration of Human Rights and in article 5 of the Convention;

20. *Welcomes* the emphasis placed by the Committee on the importance of follow-up to the World Conference and the measures recommended to strengthen the implementation of the Convention as well as the functioning of the Committee;[10]

III
Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

21. *Acknowledges* that the outcome of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance is on an equal footing with the outcomes of all the major United Nations conferences, summits and special sessions in the human rights and social fields;

22. *Also acknowledges* that the World Conference, which was the third world conference against racism, was significantly different from the previous two conferences, as evidenced by the inclusion in its title of two important components relating to contemporary forms of racism, namely, xenophobia and related intolerance;

23. *Emphasizes* that the basic responsibility for effectively combating racism, racial discrimination, xenophobia and related intolerance lies with States, and to this end stresses that States have the primary responsibility to ensure full and effective implementation of all commitments and recommendations contained in the Durban Declaration and Programme of Action;[1]

24. *Also emphasizes* the fundamental and complementary role of national human rights institutions, regional bodies or centres and civil society, working jointly with States towards the achievement of the objectives of the Durban Declaration and Programme of Action;

25. *Welcomes* the steps taken by numerous Governments, in particular the elaboration and implementation of national action plans to combat racism, racial discrimination, xenophobia and related intolerance, and steps taken by national

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[9] Resolution 217 A (III).

[10] See *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 18* (A/57/18), chap. XI.

human rights institutions and non-governmental organizations, towards the full implementation of the Durban Declaration and Programme of Action, and affirms this trend as a demonstration of commitment for the elimination of all scourges of racism at the national level;

26. *Calls upon* all States that have not yet elaborated their national action plans on the combating of racism, racial discrimination, xenophobia and related intolerance to comply with their commitments undertaken at the World Conference;

27. *Calls upon* all States to formulate and implement without delay, at the national, regional and international levels, policies and plans of action to combat racism, racial discrimination, xenophobia and related intolerance, including their gender-based manifestations;

28. *Urges* States to support the activities of existing regional bodies or centres that combat racism, racial discrimination, xenophobia and related intolerance in their respective regions, and recommends the establishment of such bodies in all regions where they do not exist;

29. *Recognizes* the fundamental role of civil society in the fight against racism, racial discrimination, xenophobia and related intolerance, in particular in assisting States to develop regulations and strategies, in taking measures and action against such forms of discrimination and through follow-up implementation;

30. *Decides* that the General Assembly, through its role in policy formulation, the Economic and Social Council, through its role in overall guidance and coordination, in accordance with their respective roles under the Charter of the United Nations and Assembly resolution 50/227 of 24 May 1996, and the Human Rights Council shall constitute a three-tiered intergovernmental process for the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action;

31. *Stresses and reaffirms* its role as the highest intergovernmental mechanism for the formulation and appraisal of policy on matters related to the economic, social and related fields, in accordance with Chapter IX of the Charter, including in the comprehensive implementation of and follow-up to the goals and targets set at all the major United Nations conferences, summits and special sessions;

32. *Decides* to convene by no later than 2009, the Durban Review Conference on the implementation of the Durban Declaration and Programme of Action and to this end requests the Human Rights Council to act as a preparatory committee for the event; to formulate a concrete plan by 2007 for the review conference; and to provide regular updates and reports to both the Secretary-General and the General Assembly;

33. *Reaffirms* that the Human Rights Council shall have a central role in the monitoring of the implementation of the Durban Declaration and Programme of Action within the United Nations system and in advising the General Assembly thereon;

34. *Expresses its appreciation* for the continuing work in follow-up to the World Conference, undertaken by the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, the Group of Independent Eminent Experts and the Working Group of Experts on People of African Descent;

35. *Welcomes* the identification and/or the consideration by the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, during its fourth session, of substantive and procedural gaps in the international instruments to combat racism, racial discrimination, xenophobia and related intolerance and, to this end, requests the Intergovernmental Working Group to continue its work and draft a base document for the Human Rights Council to prepare complementary international standards;

36. *Acknowledges* the centrality of resource mobilization, effective global partnership and international cooperation in the context of paragraphs 157 and 158 of the Durban Programme of Action for the successful realization of commitments undertaken at the World Conference, and to this end emphasizes the importance of the mandate of the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action, especially in mobilizing the necessary political will required for the successful implementation of the Declaration and Programme of Action;

37. *Requests* the Secretary-General to provide the necessary resources for the effective fulfilment of the mandates of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, the Working Group of Experts on People of African Descent and the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action;

38. *Expresses its concern* at the increasing incidence of racism in various sporting events, while noting with appreciation the efforts made by some governing bodies of the various sporting codes to combat racism, and in this regard invites all international sporting bodies to promote, through their national, regional and international federations, a world of sport free from racism and racial discrimination;

39. *Invites*, in this context, the Fédération internationale de football association, in connection with the 2010 soccer World Cup tournament to be held in South Africa, to consider introducing a visible theme on non-racism in football, and requests the Secretary-General to bring this invitation to the attention of the Fédération and to bring the issue of racism in sport to the attention of other relevant international sporting bodies and, in this regard, appreciates the joint efforts of the Government of Germany, of the Special Rapporteur on racism, racial discrimination, xenophobia and related intolerance and of the Secretary-General during the 2006 World Cup;

IV
Special Rapporteur of the Human Rights Council on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and follow-up to his visits

40. *Expresses its full support and appreciation* for the work of the Special Rapporteur of the Human Rights Council on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and encourages its continuation;

41. *Reiterates its call* to all Member States, intergovernmental organizations, relevant organizations of the United Nations system and non-governmental organizations to cooperate fully with the Special Rapporteur, and calls upon States

to consider responding favourably to his requests for visits so as to enable him to fulfil his mandate fully and effectively;

42. *Recognizes with deep concern* the increase in anti-Semitism, Christianophobia and Islamophobia and religious intolerance in various parts of the world, as well as the emergence of racial and violent movements based on racism and discriminatory ideas directed against Arab, Christian, Jewish and Muslim communities, as well as all religious communities, communities of people of African descent, communities of people of Asian descent, communities of indigenous people and other communities;

43. *Encourages* closer collaboration between the Special Rapporteur and the Office of the United Nations High Commissioner for Human Rights, in particular the Anti-Discrimination Unit;

44. *Urges* the United Nations High Commissioner for Human Rights to provide States, at their request, with advisory services and technical assistance to enable them to implement fully the recommendations of the Special Rapporteur;

45. *Requests* the Secretary-General to provide the Special Rapporteur with all the necessary human and financial assistance to carry out his mandate efficiently, effectively and expeditiously and to enable him to submit an interim report to the General Assembly at its sixty-second session;

46. *Takes note* of the recommendations contained in the interim report of the Special Rapporteur,[6] and urges Member States and other relevant stakeholders to consider implementing those recommendations;

47. *Requests* the Special Rapporteur to continue giving particular attention to the negative impact of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of civil, cultural, economic, political and social rights by national or ethnic, religious and linguistic minorities, immigrant populations, asylum-seekers and refugees;

48. *Invites* Member States to demonstrate greater commitment to fighting racism in sport by conducting educational and awareness-raising activities and by strongly condemning the perpetrators of racist incidents, in cooperation with national and international sports organizations;

V
General

49. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its sixty-second session;

50. *Decides* to remain seized of this important matter at its sixty-second session under the item entitled "Elimination of racism and racial discrimination".

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Third Committee
Agenda item 41
Report of the United Nations High Commissioner for refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions

Benin, Bosnia and Herzegovina, Comoros, Djibouti, Jordan, Lebanon and Pakistan: draft resolution

New international humanitarian order

The General Assembly,

Recalling its resolution 59/171 of 20 December 2004, as well as its previous resolutions relating to the promotion of a new international humanitarian order,[1]

Noting with appreciation the continuing efforts of the United Nations system to increase its capacity and that of its Member States to provide assistance to victims of natural and man-made disasters,

Bearing in mind the proposal regarding the development of an agenda for humanitarian action and the affirmation of the Secretary-General that, in that context, the Independent Bureau for Humanitarian Issues would be involved in developing it further and would assist in the implementation process,[2]

1. *Recognizes* the need for the further strengthening of national, regional and international efforts to solve humanitarian problems and for the identification of those problems that can be solved before they create victims;

2. *Calls upon* the Independent Bureau for Humanitarian Issues to further reinforce its activities and develop the agenda for humanitarian action, as affirmed by the Secretary-General;[2]

3. *Requests* the Secretary-General to continue to strengthen efforts in the humanitarian field and to report thereon, to the General Assembly at its sixty-third session, as at previous sessions.

[1] Resolutions 36/136, 37/201, 38/125, 40/126, 42/120, 42/121, 43/129, 43/130, 45/101, 45/102, 47/106, 49/170, 51/74, 53/124 and 55/73.

[2] A/59/554, para. 4.

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